

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN OPEN COURT
U.S.D.C. - Atlanta

JUN 16 2011

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA

v.

JAVIER COLON-HERNANDEZ (7)
a/k/a Cabo

CRIMINAL INDICTMENT

NO. 1:11-CR-239

GOVERNMENT'S MOTION FOR DETENTION

Comes now the United States of America, by and through its counsel, Sally Quillian Yates, United States Attorney, and Lisa W. Tarvin, Assistant United States Attorney for the Northern District of Georgia, and pursuant to 18 U.S.C. §§ 3142(e) and (f) moves for detention for the above-captioned defendant.

1. Eligibility of Case.

This case is eligible for a detention order because this case involves (check all that apply):

X Maximum sentence of life imprisonment or death

X 10 + year drug offense

 Felony, with two prior convictions in the above categories

 Serious risk defendant will flee

 Serious risk of obstruction of justice

2. Reason for Detention.

The Court should detain defendant because there are no conditions of release that will reasonably assure (check one or both):

X Defendant's appearance as required

___ Defendant is not a United States Citizen

___ Safety of any other person and the community

3. Rebuttable Presumption.

The United States (will, will not) invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because (check one or more):

X There is probable cause to believe defendant committed 10 + year drug offense.

4. Time for Detention Hearing.

The United States requests the Court conduct the detention hearing:

X Prepared to go forward at the initial appearance.

The Government requests leave of Court to file a supplemental motion with additional grounds or presumption for detention should this be necessary.

Dated: this 8th day of June, 2011.

Respectfully submitted,

SALLY QUILLIAN YATES
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'Lisa W. Tarvin', written in a cursive style.

LISA W. TARVIN
ASSISTANT U.S. ATTORNEY
Georgia Bar No. 574960

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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by hand delivery:

Counsel for defendant

This 8th day of June, 2011.

A handwritten signature in black ink, appearing to read 'Lisa W. Tarvin', with a stylized, cursive script.

LISA W. TARVIN
ASSISTANT UNITED STATES ATTORNEY